

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

CHARLES WILSON,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	Case No. 05-1154-JTM-DWB
	)	
COMFORT SYSTEMS, a division of	)	
WALDINGER CORPORATION,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

Before the Court is Defendant’s Motion to Compel Plaintiff to Sign Social Security Consent. (Doc. 19). Plaintiff, who appears *pro se*, has failed to file a response and the time for doing so has expired. “If a respondent fails to file a response within the time required by Rule 7.1(b), the motion will be considered and decided as an uncontested motion, and ordinarily will be granted without further notice.” ***D.Kan. Rule 7.4***. However, in this case the Court will proceed to examine the merits of the motion.

This is an employment discrimination case alleging disability discrimination pursuant to the Americans with Disabilities Act, 42 U.S.C. 12101 (“ADA”).

Plaintiff allegedly testified that he has received Social Security disability benefits since 1997, including while he was employed by Defendant. According to Defendant, the Social Security Administration (“SSA”) withdrew Plaintiff’s benefits after his employment with Defendant was terminated. Defendant further alleges that the benefits were subsequently reinstated by the SSA at Plaintiff’s request.

Defendant states in its supporting memorandum that Plaintiff seeks future lost wages from the time of his termination, “yet has purportedly represented to the Social Security Administration that he is disabled and cannot work.” (Doc. 19 at 4.) Based upon the nature of Plaintiff’s claims, and the recovery he seeks, the Court agrees that the documents covered by the Consent are relevant to these proceedings.

Defendant contends in its memorandum that it has made several requests of Plaintiff to execute the consent, but that Plaintiff has refused to sign the consent unless certain restrictions are employed. As stated previously, Plaintiff failed to file a response to Defendant’s motion. In the absence of a response from Plaintiff, the Court is unable and unwilling to surmise as to his potential objections to the consent form.

The court therefore orders and directs plaintiff to serve on Defendant by

**January 10, 2006** a fully executed Social Security consent form without restrictions.

IT IS THEREFORE ORDERED that Defendant's motion to compel (Doc. 19) is GRANTED.

Dated at Wichita, Kansas, on this 27<sup>th</sup> day of December, 2005.

s/ Donald W. Bostwick  
DONALD W. BOSTWICK  
United States Magistrate Judge